

MINUTES - U.S. DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA - CENTRAL DIVISION

JUDGE: Mark A. Moreno

Recorded by: FTR

CASE NO: 1:16-CR-10033-CBK

Date: October 9, 2018

Courtroom Deputy: SKK

Probation Officer: Sarah Fry

Case:

UNITED STATES OF AMERICA,

Plaintiff,

Attorneys:

Troy R. Morley

-vs-

KIMO LITTLE BIRD,

Defendant.

Edward G. Albright

**MAXIMUM POSSIBLE PENALTY:** 2 years custody upon revocation of Supervised Release

Defendant's Age: 37

Level of Education: 11 ½ years + GED

Hearing Set @ 2:15 p.m.

Hearing Begun @ 2:36 p.m.

**INITIAL APPEARANCE ( 4 mins.)**

Defendant advised of the allegations in the Petition to Revoke Supervised Release, Docket No. 31, and maximum possible sanctions

Defendant advised of right to remain silent and to counsel

Court finds Defendant qualifies for appointment of counsel under CJA.

Federal Public Defender's Office appointed effective September 14, 2018

**SUPERVISED RELEASE REVOCATION HEARING ( 12 mins.)**

Mr. Albright advises that the parties have reached an agreement wherein Defendant will waive his Preliminary Hearing and Detention Hearing, admit to paragraph 1 of the Petition; Government will dismiss the remaining paragraph; open recommendation at dispositional hearing; any outstanding fine, assessment and/or restitution balances may be reimposed in the revocation judgment

Defendant sworn to answer questions relating to the charges

Defendant waives Preliminary Hearing and Detention Hearing

Court finds waiver(s) are knowingly and voluntarily made and orders Defendant held to answer

Defendant advised of the allegations and maximum possible sanctions

Defendant advised of his constitutional and statutory rights

Defendant admits allegations of paragraph 1 of the Petition to Revoke Supervised Release, Docket No. 31

Court finds Defendant's admissions are knowingly and voluntarily made, that a factual basis exists for the same, and accepts the admissions

Court finds Defendant has violated one or more conditions of release

Court will recommend Defendant's Supervised Release be revoked

Court binds the matter over to the District Court for a dispositional hearing

Minutes

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Court orders that a supplemental presentence report be prepared by the U.S. Probation Office

**DETENTION HEARING ( 1 min.)**

Based on Defendant's waiver, the Court orders that Defendant shall be detained pending dispositional hearing before the District Court

Hearing Ended @ 2:53 p.m.

Reported in Court Time: 17 mins.